

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 53

**Senator Roegner
Cosponsors: Senators Obhof, Uecker, Hottinger**

A BILL

To amend section 2923.11 of the Revised Code to 1
clarify that certain firearms are not "dangerous 2
ordnance" and to declare an emergency. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2923.11 of the Revised Code be 4
amended to read as follows: 5

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 6
the Revised Code: 7

(A) "Deadly weapon" means any instrument, device, or thing 8
capable of inflicting death, and designed or specially adapted 9
for use as a weapon, or possessed, carried, or used as a weapon. 10

(B) (1) "Firearm" means any deadly weapon capable of 11
expelling or propelling one or more projectiles by the action of 12
an explosive or combustible propellant. "Firearm" includes an 13
unloaded firearm, and any firearm that is inoperable but that 14
can readily be rendered operable. 15

(2) When determining whether a firearm is capable of 16
expelling or propelling one or more projectiles by the action of 17

an explosive or combustible propellant, the trier of fact may 18
rely upon circumstantial evidence, including, but not limited 19
to, the representations and actions of the individual exercising 20
control over the firearm. 21

(C) "Handgun" means any of the following: 22

(1) Any firearm that has a short stock and is designed to 23
be held and fired by the use of a single hand; 24

(2) Any combination of parts from which a firearm of a 25
type described in division (C) (1) of this section can be 26
assembled. 27

(D) "Semi-automatic firearm" means any firearm designed or 28
specially adapted to fire a single cartridge and automatically 29
chamber a succeeding cartridge ready to fire, with a single 30
function of the trigger. 31

(E) "Automatic firearm" means any firearm designed or 32
specially adapted to fire a succession of cartridges with a 33
single function of the trigger. 34

(F) "Sawed-off firearm" means a shotgun with a barrel less 35
than eighteen inches long, or a rifle with a barrel less than 36
sixteen inches long, or a shotgun or rifle less than twenty-six 37
inches long overall. "Sawed-off firearm" does not include any 38
firearm with an overall length of at least twenty-six inches 39
that is approved for sale by the federal bureau of alcohol, 40
tobacco, firearms, and explosives under the "Gun Control Act of 41
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 42
the bureau not to be regulated under the "National Firearms 43
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 44

(G) "Zip-gun" means any of the following: 45

- (1) Any firearm of crude and extemporized manufacture; 46
- (2) Any device, including without limitation a starter's 47
pistol, that is not designed as a firearm, but that is specially 48
adapted for use as a firearm; 49
- (3) Any industrial tool, signalling device, or safety 50
device, that is not designed as a firearm, but that as designed 51
is capable of use as such, when possessed, carried, or used as a 52
firearm. 53
- (H) "Explosive device" means any device designed or 54
specially adapted to cause physical harm to persons or property 55
by means of an explosion, and consisting of an explosive 56
substance or agency and a means to detonate it. "Explosive 57
device" includes without limitation any bomb, any explosive 58
demolition device, any blasting cap or detonator containing an 59
explosive charge, and any pressure vessel that has been 60
knowingly tampered with or arranged so as to explode. 61
- (I) "Incendiary device" means any firebomb, and any device 62
designed or specially adapted to cause physical harm to persons 63
or property by means of fire, and consisting of an incendiary 64
substance or agency and a means to ignite it. 65
- (J) "Ballistic knife" means a knife with a detachable 66
blade that is propelled by a spring-operated mechanism. 67
- (K) "Dangerous ordnance" means any of the following, 68
except as provided in division (L) of this section: 69
- (1) Any automatic or sawed-off firearm, zip-gun, or 70
ballistic knife; 71
- (2) Any explosive device or incendiary device; 72
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 73

cyclonite, TNT, picric acid, and other high explosives; amatol, 74
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 75
high explosive compositions; plastic explosives; dynamite, 76
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 77
liquid-oxygen blasting explosives, blasting powder, and other 78
blasting agents; and any other explosive substance having 79
sufficient brisance or power to be particularly suitable for use 80
as a military explosive, or for use in mining, quarrying, 81
excavating, or demolitions; 82

(4) Any firearm, rocket launcher, mortar, artillery piece, 83
grenade, mine, bomb, torpedo, or similar weapon, designed and 84
manufactured for military purposes, and the ammunition for that 85
weapon; 86

(5) Any firearm muffler or suppressor; 87

(6) Any combination of parts that is intended by the owner 88
for use in converting any firearm or other device into a 89
dangerous ordnance; 90

~~(7) Any firearm with an overall length of at least twenty-~~ 91
~~six inches that is approved for sale by the federal bureau of~~ 92
~~alcohol, tobacco, firearms, and explosives under the "Gun~~ 93
~~Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but~~ 94
~~that is found by the bureau not to be regulated under the~~ 95
~~"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C.~~ 96
~~5845(a).~~ 97

(L) "Dangerous ordnance" does not include any of the 98
following: 99

(1) Any firearm, including a military weapon and the 100
ammunition for that weapon, and regardless of its actual age, 101
that employs a percussion cap or other obsolete ignition system, 102

or that is designed and safe for use only with black powder;	103
(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;	104 105 106 107
(3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;	108 109 110 111 112 113
(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L) (3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;	114 115 116 117 118 119 120
(5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece;	121 122 123
(6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, and regulations issued under that act;	124 125 126 127
<u>(7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but</u>	128 129 130 131

that is found by the bureau not to be regulated under the 132
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 133
5845(a). 134

(M) "Explosive" means any chemical compound, mixture, or 135
device, the primary or common purpose of which is to function by 136
explosion. "Explosive" includes all materials that have been 137
classified as division 1.1, division 1.2, division 1.3, or 138
division 1.4 explosives by the United States department of 139
transportation in its regulations and includes, but is not 140
limited to, dynamite, black powder, pellet powders, initiating 141
explosives, blasting caps, electric blasting caps, safety fuses, 142
fuse igniters, squibs, cordeau detonant fuses, instantaneous 143
fuses, and igniter cords and igniters. "Explosive" does not 144
include "fireworks," as defined in section 3743.01 of the 145
Revised Code, or any substance or material otherwise meeting the 146
definition of explosive set forth in this section that is 147
manufactured, sold, possessed, transported, stored, or used in 148
any activity described in section 3743.80 of the Revised Code, 149
provided the activity is conducted in accordance with all 150
applicable laws, rules, and regulations, including, but not 151
limited to, the provisions of section 3743.80 of the Revised 152
Code and the rules of the fire marshal adopted pursuant to 153
section 3737.82 of the Revised Code. 154

(N) (1) "Concealed handgun license" or "license to carry a 155
concealed handgun" means, subject to division (N) (2) of this 156
section, a license or temporary emergency license to carry a 157
concealed handgun issued under section 2923.125 or 2923.1213 of 158
the Revised Code or a license to carry a concealed handgun 159
issued by another state with which the attorney general has 160
entered into a reciprocity agreement under section 109.69 of the 161
Revised Code. 162

(2) A reference in any provision of the Revised Code to a concealed handgun license issued under section 2923.125 of the Revised Code or a license to carry a concealed handgun issued under section 2923.125 of the Revised Code means only a license of the type that is specified in that section. A reference in any provision of the Revised Code to a concealed handgun license issued under section 2923.1213 of the Revised Code, a license to carry a concealed handgun issued under section 2923.1213 of the Revised Code, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in section 2923.1213 of the Revised Code. A reference in any provision of the Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

(O) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A) (1) of section 2923.128 of the Revised Code, under section 2923.1213 of the Revised Code, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under division (B) (1) of section 2923.128 of the Revised Code, under section 2923.1213 of the Revised Code, or under a revocation provision of the state other than this state in which the license was issued.

(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."

(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.

Section 2. That existing section 2923.11 of the Revised Code is hereby repealed.

Section 3. The amendment to section 2923.11 of the Revised Code takes effect on March 28, 2019, which is the effective date of Am. Sub. H.B. 228 of the 132nd General Assembly, or on the effective date of this section, whichever is later.

Section 4. This act is an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the emergency is to relocate a provision that inadvertently was located in the wrong division of a section of law. Therefore, this act goes into immediate effect.